

Judicial vision on the fight against domestic burglary.

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During the second States-General Domestic Burglary Mr Vandenbruwaene, Procurator-General in Antwerp, gave a presentation regarding the judicial vision on the fight against domestic burglary.

The notion 'Domestic Burglary'

Domestic burglary is a **versatile and persistent issue** that not only has an enormous direct impact on the victims, but also on society in general.

Domestic burglary is of all times, and so is the criminal policy against it. Within the Antwerp Office of the Public Prosecutor the procurator-general launched in 2001 a **project** to increase **the number of solved cases** for domestic burglary. In order to achieve this, a **script** with **three goals** was developed:

1. **improve** the **registration** of the offences (image-forming process);
2. **strengthen** the **means** for the **police** for possible identification of the perpetrators or criminal groupings;
3. a **quality attitude towards the victims** so that he or she realizes that everything is done to resolve the case, within their possibilities.

To achieve these goals, **4 measures** were taken in the domain of the investigation techniques.

- Improving the **basic observations**: e.g. by means of a standard checklist and state report as well as measures regarding the neighbourhood investigation.
- Improve the **trace investigation** and the **technical and scientific police**.
- **Arrangements** regarding the **further investigation** such as cooperation agreements between investigation teams and the persons doing the primary observation, between local and federal police. Also regarding the service done by the lab and the technical means for telephone-investigation.
- Stress the **importance** of the **exchange of information** and agreements regarding the treatment of information by the district information crossroads.

The script has been used by both the office of the public prosecutor of the province Antwerp as well as the province Limburg. Later on other policy tools were developed, as an implementation of the circular of the College of Procurators-General, such as district action plans to manage itinerant criminal groups.

Prioritization of the phenomenon at different policy levels

The phenomenon was put on the federal agenda and domestic burglary was included in the national security plan 2012-2015 as a priority security phenomenon. Also on the district level

the public prosecutors considered this phenomenon to be a priority. The local level soon followed. In the zonal security plans 2014-2017 the fight against domestic burglary is in the top four of the priorities in the province of Antwerp.

The organization of the **security conference** on 1 June 2012 by Antwerp and Limburg proved to be an important impulse for the structural approach of the phenomenon. The merit of this conference was that the phenomenon was looked at from different angles and policy levels, on the micro and macro scale, in the proactive, preventive and repressive field, and from the point of view of the perpetrator and the victim. The final goal was to come to an integral and integrated security policy that can contribute to a more efficient management of the phenomenon "domestic burglary".

Focus on the police judicial part as an element of the integral policy.

After the security conference a **project group "uniform approach"** was created with the aim to bundle the best practices regarding the method and approach in one directive that will be spread by the Office of the Prosecutor-General.

The reform of the judicial landscape allows to significantly strengthen the mutual cohesion and coherence within the Public Prosecutor. This opens up perspectives for initiatives regarding a uniform judicial policy.

The future jurisdiction circular/script.

The **main goal** of the new circular is to contribute to manage and push back the number of domestic burglary offences by a common coordinated approach.

There are **different consultation forums** between the police and the Office of the Public Prosecutor to draw up this circular. This allows to quickly solve operational problems and to bring fundamental issues as soon as possible to the correct level.

This method should result in a quality approach build up around **five pillars**. It concerns the same points as the ones in the project from 2001, completed with the newest technologies in the domain of the scientific police such as DNA.

- **The uniform approach of the basic observations:** amongst other things through a standard checklist that collects all registrable information, a standard record with common sections and an obligatory chronology. Also a number of uniform measures regarding the first activities and findings on the scene.
- **The importance of the trace investigation and the technical observations.** Collecting material evidence becomes ever more important in the framework of the increasing contradictory nature of our judicial preliminary investigation, but science doesn't stand still either and new techniques are being discovered and used in the criminal procedure.

Act with 100 % awareness of the traces is thus the mission. This applies both to the police officer who is first on the scene and to those who are in charge of the collection of traces. Training is therefore crucial. Besides an adequate collection, a quality analysis of the traces is important as well.

As a concrete **good practice** one refers to the **traces database** developed by the lab of the technical and scientific police of the federal judicial police in **Antwerp**. In this database different kinds of traces are included such as finger and palm traces, shoe traces, ear traces and tyre traces. Here connections are made between multiple files in which these traces turn up. This way, files are grouped and these clusters can link new traces to one another and generate new trace evidence and material evidence. This will certainly be an added value in the fight against the international itinerant criminal groups.

- **Forensic DNA marking**

In the framework of the directive, the practice of the **forensic DNA marking** is examined as well. In the United States, the Netherlands and Germany the Selecta DNA (SDNA) is already being successfully put into practice for a while and in our country too there are projects going on in Mechelen and Dendermonde.

The pilot projects will have to indicate whether it will be possible to include this tool in a structural manner in the district script regarding domestic burglary.

In the margin of this discussion one also refers to the **new DNA legislation** of 1 January 2014¹ and the procurator-general believes this will significantly increase the number of solved cases for domestic burglary.

An important legal tool here is the **treaty of Prüm** that was signed by the member states of the European Union. Slowly Belgium is starting to participate in international exchange of DNA data which are being exchanged with the Netherlands and very soon with France. The first results with the Netherlands are promising in the sense that different links were made to files with unknown perpetrators in Belgium.

A second tool regarding the use of DNA is the **collegiate circular DNA** of the procurators-general which inserts a standard table with a selection and classification of the trace carriers that have most chance of success.

- **Quality assurance within the further investigation.**

Here one strives for a quality assurance by the appointment of a **coordinator domestic burglary** at the local police. The procurator-general believes that a **scaling-up** at the local police could be an added value in the future to meet the demands

¹ In pursuance of this new law all DNA profiles of traces found are automatically transferred to the national DNA database criminalistics to be systematically compared to national and foreign DNA databases.

from Justice and given the budgetary limitations all our authorities are confronted with. An optimization exercise is needed.

- **Measures for adequate information housekeeping and for an enforced cooperation.**

Conclusion

An integrated and integral approach with cooperation between different instances in a top-down and bottom-up movement and using new scientific insights and technologies, is crucial for the approach of domestic burglary.

Only this way we can help to take away the feeling of insecurity of domestic burglary victims and guarantee the citizens a fundamental right to security.



With financial support from the Prevention of and Fight against Crime Programme of the European Union

European Commission – Directorate-General Home Affairs

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